

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Marchand et al.

Confirmation No.: 1759

Serial No.: 09/575,470

Art Unit: 3624

Filed: May 22, 2000

Examiner: R. Weisbergcr

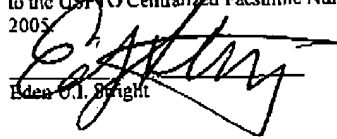
Title: Fraud Detection Based on Call Attempt Velocity on Terminating Number

FEB 02 2005

**RESPONSE TO BOTH THE ORIGINAL DECEMBER 20, 2004 OFFICE ACTION
AND THE SECOND DECEMBER 20, 2004 OFFICE ACTION**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMISSION CERTIFICATE UNDER 37 C.F.R. §1.8(a)

I hereby certify that the correspondence cited hereon is being sent via facsimile to the USPTO Centralized Facsimile Number ((703) 872-9306) on February 2, 2005.


Eden U.I. Bright

Sir:

This is *bona fide* attempt to respond to both the original Office Action dated December 20, 2004, and the second Office Action dated December 20, 2004.

Applicants received an Office Action dated December 20, 2004, on December 22, 2004. Applicants received a second Office Action dated December 20, 2004, on January 25, 2005. However, the Patent Application Information Retrieval (PAIR) system (a copy of which is attached) in conjunction with the Image File Wrapper system show that the second Office Action dated December 20, 2004, was mailed from the Office on January 20, 2005.

Therefore, Applicants request clarification by the Office whether the original Office Action is replaced by the second Office Action or whether the first Office Action should act in conjunction to the second Office Action. Further, regardless of whether the first Office Action is replaced by the second Office Action or the first Office Action acts in conjunction to the second Office Action, Applicants request that the time for responding to the first Office Action be vacated and the time for responding to the second Office Action be set for three months from the actual mailing date of January 20, 2005, as indicated in private PAIR, as it is the later of the two open dates for response.

The rejections from the original Office Action are substantially different from the rejections from the second Office Action. Since it is unclear to Applicants as to which Office Action should be responded to or if they should be responded to in conjunction, Applicants are unable to address the rejections under 35 USC 112, 35 USC 101 and 35 USC 102 at this time.

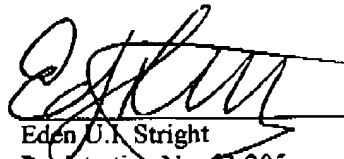
Further, in the original Office Action dated December 20, 2004, the Examiner cited Chong et al. and EP 0618713, which were not previously of record in the above-noted application. However, no PTO-892 form nor any copy of either document was attached to the Office Action. Applicants request a PTO-892 form citing each document along with a copy of each document, or relevant pages thereof, in order to fully comprehend the Examiner's rejections and respond thereto.

Finally, the second Office Action dated December 20, 2004, states that it is responsive to a communication of August 31, 2004. Applicants did not file any documents on that date, and no documents with the filing date are docketed in the PAIR system. However, the claim set that was reviewed by the Examiner in the first Action is different than the claim set reviewed in the second Action.

Should any fees be deemed necessary in conjunction with the filing of this paper, the Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 13-2491, and refund any fees to the same.

Respectfully submitted,

Date: February 2, 2005


Eden U.I. Stright
Registration No. 51,205

MCI, Inc.
1133 19th Street, NW
Washington, DC 20036
Phone: 202 736-6008
Fax: 202-736-6382